

2001-0088-08
USSN 10/684,089

Remarks

Claims 29-100 are pending in the above captioned U.S. Patent Application.

Claims 29-100 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,711,202 and copending U.S. Patent Application No. 10/684,016.

To overcome the Examiner's rejection of Claims 29-100, Applicants have submitted two Terminal Disclaimers, one for U.S. Patent No. 6,711,202 and the other for U.S. Patent Application No. 10/684,016 in the prior response filed on November 17, 2005. Copies of the previously filed Terminal Disclaimers are attached for the Examiner's convenience.

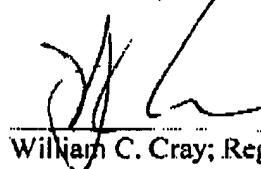
The Examiner states that William Cray is not an attorney of record and is not authorized to sign the terminal disclaimers. Applicants respectfully disagree. Applicants filed a Power of Attorney on December 2, 2003 appointing William C. Cray as attorney of record in the parent case, USSN 09/953,026. The present application is a continuation of USSN 09/953,026. A copy of the December 2, 2003 filed Power of Attorney with the USPTO stamped-receipt postcard is attached for the Examiner's convenience.

2001-0088-08
USSN 10/684,089

Conclusion

Applicants do not believe any fees are due in connection with this submission, however if any additional fees are due in connection to the filing of this Response, the Applicants hereby authorize the Commissioner to charge any fees due, or to credit any overpayment to applicants' assignee, Cymer, Inc.'s Deposit Account No. 03-4060.

Respectfully submitted,



William C. Cray, Reg. No. 27,627

January 5, 2006
Cymer, Inc.
Customer No. 21773
Telephone: (858) 385-7185
Facsimile: (858) 385-6025

COPY**RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Cymer Docket No. 2001-0088-01
In re: Application of Richard Morton
USSN 09/953,026
Filed: September 13, 2001
Title DISCHARGE LASER WITH POROUS INSULATING LAYER COVERING ANODE
DISCHARGE SURFACE

MAIL STOP OFFICIAL DRAFTSPERSON
Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

Please acknowledge receipt of the documents listed below by placing your stamp hereon and
mailing this card.

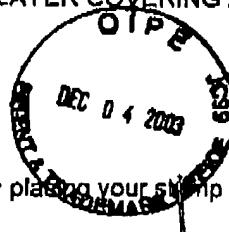
RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Cymer Docket No. 2001-0088-01
In re: Application of Richard Morton
USSN 09/953,026
Filed: September 13, 2001
Title DISCHARGE LASER WITH POROUS INSULATING LAYER COVERING ANODE
DISCHARGE SURFACE

MAIL STOP OFFICIAL DRAFTSPERSON
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please acknowledge receipt of the documents listed below by placing your stamp hereon and
mailing this card

Transmittal Letter for formal drawings, 10 sheets of Formal Drawings; Power of Attorney &
Stmt under 37 CFR 3.73(b) and Change of Correspondence Address
Cymer, Inc.
Date Mailed: December 2, 2003



TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
 2001-0088-01

In Re Application Of:

Richard Morton

COPY

| | | | |
|------------|-------------|-------------|----------------|
| Serial No. | Filing Date | Examiner | Group Art Unit |
| 09/953,026 | 9/13/01 | D. Monbleau | 2828 |

Title:

DISCHARGE LASER WITH POROUS INSULATING LAYER COVERING ANODE DISCHARGE SURFACE

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith is:

Transmittal of Formal Drawings;
10 Sheets of Formal Drawings;
Change of Correspondence Address;
Power of Attorney;
Statement under 37 CFR 3.73(b);

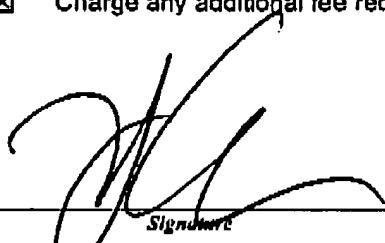
in the above identified application.

No additional fee is required.

A check in the amount of _____ is attached.

The Commissioner is hereby authorized to charge and credit Deposit Account No. 03-4060
as described below. A duplicate copy of this sheet is enclosed.

Charge the amount of _____
 Credit any overpayment
 Charge any additional fee required.



Signature

Dated December 2 2003

William Cray, Reg. No. 27,627
 Cymer, Inc.

Legal Dept. MS/4-2C
 17075 Thorntint Court
 San Diego, California 92127
 Telephone: (858) 385-7185
 Facsimile: (858) 385-6025

I certify that this document and fee is being deposited
 on 2/2/03 with the U S Postal Service as
 first class mail under 37 C.F.R. 1.8 and is addressed to the
 Commissioner of Patents and Trademarks, Washington,
 D.C. 20231



Stephanie Sharrett
 Signature of Person Mailing Correspondence

cc:

Stephanie Sharrett

Typed or Printed Name of Person Mailing Correspondence

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CHANGE OF CORRESPONDENCE ADDRESS

Application

Address to:
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

| | |
|------------------------|----------------|
| Application Number | 09/953,026 |
| Filing Date | 9/13/01 |
| First Named Inventor | Richard Morton |
| Art Unit | 2828 |
| Examiner Name | D. Moubleau |
| Attorney Docket Number | 2001-0088-01 |

Please change the Correspondence Address for the above-identified application to

Customer Number: _____

OR

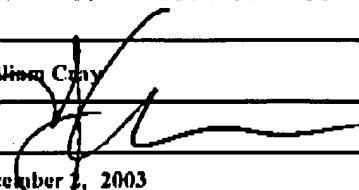
| | | | | | |
|---|-----------------------|-------|----------------|-----|-------|
| <input checked="" type="checkbox"/> Firm or Individual Name | Cymer, Inc. | | | | |
| Address | Legal Dept. MS/4-2C | | | | |
| Address | 17075 Thornmint Court | | | | |
| City | San Diego | State | California | ZIP | 92127 |
| Country | USA | | | | |
| Telephone | (858) 385-7185 | Fax | (858) 385-6025 | | |

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124)

I am the :

- Applicant/Inventor.
- Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- Attorney or Agent of record. Registration Number 27,627
- Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number

Typed or Printed Name William C. Gray

Signature 

Date December 2, 2003 Telephone (858) 385-7185

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*

*Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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PTO/SB/81 (06-03)

Approved for use through 11/30/2005 OMB 0651-0035
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

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**POWER OF ATTORNEY and
CORRESPONDENCE
ADDRESS INDICATION FORM**

| | |
|------------------------|-------------------|
| Application Number | 09/953,026 |
| Filing Date | 9/13/01 |
| First Named Inventor | Richard G. Morton |
| Art Unit | 2828 |
| Examiner Name | D. Moubreau |
| Attorney Docket Number | 2001-0088-01 |

I hereby appoint:

Practitioners at Customer Number
OR
 Practitioner(s) named below:

| Name | Registration Number |
|------------------|---------------------|
| Albert P. Cefalo | 27,315 |
| William Cray | 27,627 |
| | |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

The above-mentioned Customer Number.

OR

The address associated with Customer Number:

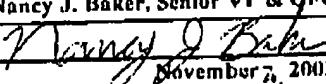
OR

| | | | |
|---|-----------------------|-------|----------------|
| <input checked="" type="checkbox"/> Firm or Individual Name | Cymer, Inc. | | |
| Address | Legal Dept. MS/4-2C | | |
| Address | 17075 Thornmint Court | | |
| City | San Diego | State | California |
| Country | USA | Zip | 92127 |
| Telephone | (858) 385-7185 | Fax | (858) 385-6025 |

I am the:

Applicant/Inventor
 Assignee of record of the entire interest. See 37 CFR 3.71
 Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

| | | | |
|---|---|-----------|----------------|
| Name | Nancy J. Baker, Senior VP & CFO | | |
| Signature |  | | |
| Date | November 7, 2003 | Telephone | (858) 385-7166 |
| NOTE Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple | | | |
| <input type="checkbox"/> Total of _____ forms are submitted | | | |

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

(If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2)

**Terminal Disclaimer To Obviate A Double
Patenting Rejection Over A Prior Patent**

Docket No
2001-0088-08

In Re Application Of:

Richard G. Morton

COPY

| Application No. | Filing Date | Examiner | Customer No. | Group Art Unit | Confirmation No |
|-----------------|------------------|------------------|--------------|----------------|-----------------|
| 10/684,089 | October 10, 2003 | James A. Menehee | 21773 | 2828 | 3038 |

Invention:

DISCHARGE LASER WITH POROUS INSULATING LAYER COVERING ANODE DISCHARGE

Owner of Record:

Cymer, Inc.

COMMISSIONER FOR PATENTS.

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 158 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,711,202. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

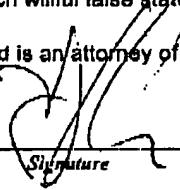
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 158 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record



Signature

Dated: November 17, 2005

William C. Cray, Reg. No. 27,627

Typed or Printed Name

Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.
 PTO suggested wording for terminal disclaimer was unchanged
 Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.

Doc Code:

PTO/SB/26 (09-04)
 A copy of this form is valid for use through 07/31/2008 OMB 0851-0031
 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

 Docket Number (Optional)
 2001-0088-08

In re Application of: Richard G. Morton

Application No.: 10/684,089

Filed: October 10, 2003

For:

COPY

The owner*, **Cymer, Inc.**, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number **10/684,016**, filed on **October 10, 2003**, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent granted on the pending reference application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record Reg. _____

27,627

November 7, 2003

Signature

Date

William C. Cray

Typed or printed name

(858) 385-7185

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/98 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.